IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL WRIT PETITION NO.3031 OF 2005**

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr.V.B.Tapkir for the petitioner.

Mrs.M.H.Mhatre APP for the State.

**Coram : R.S.Mohite,J**

Date : 19th January, 2006.

PC

1. This is a petition impugning an order dated 17.7.2004 passed by the JMFC, Khed, rejecting the discharge application. The Court has concluded that there is prima facie evidence to frame charge under Section 406 & 417 of IPC. In the complaint itself it was made out that the amount of Rs.12,000/- was taken under an agreement executed on stamp paper. It is contended that in the circumstances, there cannot be any criminal breach of trust. The mere execution of a written agreement does not mean that a criminal offence cannot be said to have been committed. Application is thus dismissed. It is made clear that observations in this order are prima facie and will not be used at the trial.

**(R.S.Mohite,J)**